APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,901	03/31/2004	Paul Tucker	16113-339001/GP-221-00-US	4995

26192   7590   04/30/2010

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EXAMINER
BETIT, JACOB F

ART UNIT	PAPER NUMBER
2169	

NOTIFICATION DATE	DELIVERY MODE
04/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/812,901	TUCKER ET AL.
	Examiner	Art Unit	
	Jacob F. Bétit	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2009*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-23 and 25-32* is/are pending in the application.
    4a) Of the above claim(s) *32* is/are withdrawn from consideration.
5)☒ Claim(s) *31* is/are allowed.
6)☒ Claim(s) *1,3-8,11-27 and 30* is/are rejected.
7)☒ Claim(s) *9,10,28 and 29* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on 23 December 2009, claims 1, 3, 5, 7, 9-11, 22,

23, 25, 26, 28-31 have been amended per the applicant's request. Claims 1, 3-23, and 25-32 are

presently pending in the application of which claim 32 is with drawn from further consideration.

2.   Applicant is reminded that double brackets should only be used to delete text of five or

fewer characters or when a strikethrough is not easily noticeable.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 3, 5, 8, 11-22, 25-27, and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by *Dettinger et al.* (U.S. patent NO. 2008/0126327 A1).

        As to claim 1, *Dettinger et al.* teaches method comprising:

        populating a computer memory, by receiving a plurality of first search queries from a

first plurality of computer users at a computer system (see paragraph 0054), rewriting the

plurality of first search queries into modified search queries, and mapping ones of the plurality of

first search queries to corresponding modified search queries to produce a mapping in computer

memory that correlates ones of the plurality of first search queries with corresponding ones of

the rewritten search queries (see paragraphs 0056-0057);

     providing search results for the rewritten search queries to the plurality of computer

users (see paragraph 0044); and

     subsequently processing a second search query received from a user who is different than

the first plurality of computer users, by determining whether a portion of content from the second

query matches a portion of content from at least one of the plurality of first search queries (see

paragraph 0052 and see paragraphs 0060-0063), and executing a computerized search using one

of the rewritten queries that corresponds to the query from the plurality of first search queries

that includes the matching portion of content in place of the second search query (see paragraph

0071, "modified automatically to include a suggested substitution); and

     providing search results from processing the second search query to the second user (see

paragraph 0044).

     As to claim 3, *Dettinger et al.* teaches further comprising: responsive to the portion of the

content from the second query not matching any portion of content from the plurality of first

search queries that matches the first content, executing a search of the received second search

query (see paragraph 0052, in response to detecting an annotated query component).

     As to claim 4, *Dettinger et al.* teaches wherein the memory comprises a look-up table for

the mapping (see paragraph 0053, annotation record).

As to claim 5, *Dettinger et al.* teaches wherein the search of the one of the rewritten queries that corresponds to the query from the plurality of first search queries that includes the matching portion of content in place of the second search query is executed by a backend data system (see paragraph 0041).

As to claim 8, *Dettinger et al.* teaches wherein the step of mapping is performed offline prior to the step of receiving the second search query; and the step of executing the search is performed online upon receiving the second search query (see paragraph 0057 and see paragraph 0071).

As to claim 11, *Dettinger et al.* teaches wherein the plurality of first queries and the second search are received at a first system of a search site, and the search of the modified search query is issued by a search engine in the first system (see paragraph 0044).

As to claim 12, *Dettinger et al.* teaches wherein the first system of the search site comprises cache memory (see paragraph 0039).

As to claim 13, *Dettinger et al.* teaches wherein the memory is physically apart from the first system of the search site (see paragraph 0038, secondary storage devices).

As to claim 14, *Dettinger et al.* teaches wherein the step of rewriting is performed by the first system of the search site (see paragraphs 0041 and 0044).

As to claim 15, *Dettinger et al.* teaches wherein the steps of mapping and determining are performed by the first system of the search site (see paragraphs 0057 and 0071).

As to claim 16, *Dettinger et al.* teaches wherein the memory is a database in a memory system of the search site, and the steps of mapping and determining are performed by the memory system (see paragraph 0041 and see paragraph 0057).

As to claim 17, *Dettinger et al.* teaches wherein the memory is a database in a memory system of the search site, and the step of rewriting is performed with the memory system (see paragraph 0041 and paragraph 0057).

As to claim 18, *Dettinger et al.* teaches wherein the steps of mapping and determining are performed by the memory system (see paragraphs 0041 and 0057).

As to claim 19, *Dettinger et al.* teaches wherein the steps of mapping and determining are performed by the first system of the search site (see paragraphs 0041 and 0057).

As to claim 20, *Dettinger et al.* teaches wherein the memory comprises a memory chip (see paragraph s 0039 and 0042).

As to claim 21, *Dettinger et al.* teaches wherein the memory comprises a disk-storage memory device (see paragraph 0038).

As to claim 22, *Dettinger et al.* teaches wherein the step of rewriting the plurality of first search queries into the modified search queries comprises:

determining an additional phrase or term for content of a first one of the first plurality of search; and augmenting the first one of the plurality of first search queries to include the additional phrase or term (see paragraph 0057 and paragraph 0071).

As to claim 23, *Dettinger et al.* teaches computer-readable storage device having computer-executable instructions contained therein for performing a method, the method comprising:

populating a computer memory, by receiving a plurality of first search queries from a first plurality of computer users at a computer system (see paragraph 0054), rewriting the plurality of first search queries into modified search queries, and mapping ones of the plurality of first search queries to corresponding modified search queries to produce a mapping in computer memory that correlates ones of the plurality of first search queries with corresponding ones of the rewritten search queries (see paragraphs 0056-57);

providing search results for the rewritten search queries to the plurality of computer users (see paragraph 0044); and

subsequently processing a second search query received from a user who is different than the first plurality of computer users, by determining whether a portion of content from the second

query matches a portion of content from at least one of the plurality of first search queries (see

paragraph 0052 and see paragraphs 0060-63), and executing a computerized search using one of

the rewritten queries that corresponds to the query from the plurality of first search queries that

includes the matchin~ portion of content in place of the second search query (see paragraph

0071); and

providing search results from processing the second search query to the second user (see

paragraph 0044).

As to claim 25, please see the citations for claim 3 above.

As to claim 26, please see the citations for claim 4 above.

As to claim 27, please see the citations for claim 8 above.

As to claim 30, please see the citations for claim 22 above.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dettinger*

et al. in view of Melbin (U.S. patent No. 6.397.217 B1).

As to claim 6, *Dettinger et al.* does not distinctly disclose wherein the backend data

system is physically apart from the memory and comprises one or more databases having data to

be searched, but does disclose interfacing with different types of databases. See figure 2A

reference number 214.

Melbin teaches back end databases being distinct and physically apart from the front end

server. See figure 1 reference numbers 16 and 36 and see column 6, lines 45-52. Therefore, it

would have been obvious to one having ordinary skill in the art at the time of the invention to

have modified *Dettinger et al.* to include the teachings of *Melbin* because these teachings would

allow for the system to be used in retrieving data from many different databases with the same

query generating tool.

As to claim 7, *Dettinger et al.* teaches wherein the memory comprises a look-up table

mapping the plurality of first search queries to the modified search (see paragraph 0053).

Dettinger et al. does not distinctly disclose wherein the backend data system is physically

apart from the memory and comprises one or more databases having data to be searched, but

does disclose interfacing with different types of databases. See figure 2A reference number 214.

Melbin teaches back end databases being distinct and physically apart from the front end

server. See figure 1 reference numbers 16 and 36 and see column 6, lines 45-52. Therefore, it

would have been obvious to one having ordinary skill in the art at the time of the invention to

have modified *Dettinger et al.* to include the teachings of *Melbin* because these teachings would

allow for the system to be used in retrieving data from many different databases with the same

query generating tool.

Allowable Subject Matter

7.   Claim 31 is allowed.

8.   Claims 9, 10, 28, and 29 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Response to Arguments

9.   Applicant's arguments with respect to claims have been considered but are moot in view

of the new grounds of rejection.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure and can be found on the attached form PTO-892.

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Examiner, Art Unit 2169

jfb
26 Apr 2010